

11/10/00

11-13-00

A BOX  
SOL

Express Mail Label No. EL302645280US

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

MTP-024

First Named Inventor

Watkins

Title

MATERIALS AND METHODS FOR DETECTION  
AND TREATMENT OF BREAST CANCER

**APPLICATION ELEMENTS**

ADDRESS TO: **Box Patent Application**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

1. ☒ Fee Transmittal Form

**ACCOMPANYING APPLICATION PARTS**

2. ☒ Specification and Drawings [Total Pages 55]

- Specification - (45 pages)

- Claims - (8 pages)

- Abstract - (1 page)

- Sheets of Drawings - (1 sheet)

☐

Formal

☒

Informal

7. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)  
☐ Power of Attorney

8. ☐ English Translation Document (if applicable)

9. ☐ Information Disclosure Statement (IDS)/PTO-1449  
☐ Copies of IDS Citations

3. ☐ Oath or Declaration [Total Pages ]

a. ☐ Newly executed (original)

b. ☐ Copy from a prior application (37 CFR 1.63(d))

(for continuation/divisional with Box 17 completed)

[Note Box 4 below]

10. ☐ Preliminary Amendment  
☐ Drawings [Total Sheets ]  
☐ Letter to Official Draftsperson Including Drawings [Total Pages ]

11. ☒ Return Receipt Postcard

4. ☐ Incorporation by Reference (usable if Box 3b is checked)

The entire Disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 3b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

12. ☒ Small Entity Statement(s)  
☐ Statements filed in prior application, (Status still proper and desired)

13. ☐ Certified Copy of Priority Document(s)

5. ☐ Microfiche Computer Program (Appendix)

14. ☐ Deletion of Inventor(s)  
Signed statement attached deleting inventor(s) named in the prior application.

6. ☒ Nucleotide and/or Amino Acid Sequence Submission

☒ Computer Readable Copy

☒ Paper Copy (identical to computer copy)

☒ Statement verifying identify of above copies

15. ☒ Patent Application Data Entry Form

16. ☐ Other:

17. ☐ If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application U.S. Serial No. \_\_\_\_\_,

filed \_\_\_\_\_.

Priority to the above application(s) is claimed under 35 U.S.C. 120.

Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

18. ☒ **Priority - 35 U.S.C. 119**

☒ Priority of application Serial Nos. 60/165,173, filed 11-16-99; 60/172,170, filed 12-17-99; 60/178,860, filed 1-27-00; and 60/201,721, filed 5-3-00, is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_/\_\_\_\_ on \_\_\_\_.

☐ The certified copy will follow.

**CORRESPONDENCE ADDRESS**

**SIGNATURE BLOCK**

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

Date: November 10, 2000  
Reg. No. 38,678  
Tel. No.: (617) 248-7317  
Fax No.: (617) 248-7100

Respectfully submitted,

*D.A. Greenhagh*  
Duncan A. Greenhagh, Ph.D.  
Attorney for Applicants  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110

1106439

# FEE TRANSMITTAL

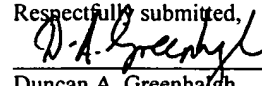
## FY 2001

Complete by 11/10/00

Application Serial Number	Not yet assigned
Filing Date	Herewith
First Named Inventor	Watkins
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket No.	MTP-024

10921 U.S. PTO  
09/09/97

11/10/00

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																											
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other				3. ADDITIONAL FEES																																																																																											
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.				<table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>390</td> <td>195</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>890</td> <td>445</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1,390</td> <td>695</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1,890</td> <td>945</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>310</td> <td>155</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>310</td> <td>155</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>270</td> <td>135</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>50</td> <td>50</td> <td>Petitions related to provisional applications</td> <td></td> </tr> <tr> <td>240</td> <td>240</td> <td>Submission of Information Disclosure Statement (37 CFR 1.97(c))</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Submission of Information Disclosure Statement (37 CFR 1.97(d))</td> <td></td> </tr> <tr> <td>710</td> <td>355</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>710</td> <td>355</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td colspan="2">Other fee (Specify)</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Other fee (Specify)</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">SUBTOTAL (3)</td> <td colspan="2">(\$) 0.00</td> </tr> </tbody> </table>				Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	For filing a request for reexamination		110	55	Extension for reply within first month		390	195	Extension for reply within second month		890	445	Extension for reply within third month		1,390	695	Extension for reply within fourth month		1,890	945	Extension for reply within fifth month		310	155	Notice of Appeal		310	155	Filing a brief in support of an appeal		270	135	Request for oral hearing		130	130	Petitions to the Commissioner		50	50	Petitions related to provisional applications		240	240	Submission of Information Disclosure Statement (37 CFR 1.97(c))		130	130	Submission of Information Disclosure Statement (37 CFR 1.97(d))		710	355	Filing a submission after final rejection (37 CFR 1.129(a))		710	355	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (Specify)				Other fee (Specify)				SUBTOTAL (3)		(\$) 0.00	
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																												
130	65	Surcharge - late filing fee or oath																																																																																													
50	25	Surcharge - late provisional filing fee or cover sheet																																																																																													
130	130	Non-English specification																																																																																													
2,520	2,520	For filing a request for reexamination																																																																																													
110	55	Extension for reply within first month																																																																																													
390	195	Extension for reply within second month																																																																																													
890	445	Extension for reply within third month																																																																																													
1,390	695	Extension for reply within fourth month																																																																																													
1,890	945	Extension for reply within fifth month																																																																																													
310	155	Notice of Appeal																																																																																													
310	155	Filing a brief in support of an appeal																																																																																													
270	135	Request for oral hearing																																																																																													
130	130	Petitions to the Commissioner																																																																																													
50	50	Petitions related to provisional applications																																																																																													
240	240	Submission of Information Disclosure Statement (37 CFR 1.97(c))																																																																																													
130	130	Submission of Information Disclosure Statement (37 CFR 1.97(d))																																																																																													
710	355	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																													
710	355	For each additional invention to be examined (37 CFR 1.129(b))																																																																																													
Other fee (Specify)																																																																																															
Other fee (Specify)																																																																																															
SUBTOTAL (3)		(\$) 0.00																																																																																													
<b>FEE CALCULATION</b>				<b>1. FILING FEE</b>																																																																																											
<table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>710</td> <td>Utility filing fee</td> <td>710.00</td> </tr> <tr> <td>320</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>150</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table>				Large Entity Fee (\$)	Fee Description	Fee Paid	710	Utility filing fee	710.00	320	Design filing fee		150	Provisional filing fee		<table border="1"> <thead> <tr> <th>Number Filed</th> <th>Number Extra</th> <th>Rate</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Total Claims 62</td> <td>- 20 = 42</td> <td>x \$ 18.00 =</td> <td>756.00</td> </tr> <tr> <td>Independent Claims 5</td> <td>- 3 = 2</td> <td>x \$ 80.00 =</td> <td>160.00</td> </tr> <tr> <td colspan="2">Multiple Dependent Claim(s), if any</td> <td>\$270.00 =</td> <td>0.00</td> </tr> <tr> <td colspan="2">TOTAL:</td> <td></td> <td>1,626.00</td> </tr> <tr> <td colspan="2">SMALL ENTITY DISCOUNT:</td> <td></td> <td>813.00</td> </tr> <tr> <td colspan="2">SUBTOTAL (1)</td> <td>(\$)</td> <td>813.00</td> </tr> </tbody> </table>				Number Filed	Number Extra	Rate	Amount	Total Claims 62	- 20 = 42	x \$ 18.00 =	756.00	Independent Claims 5	- 3 = 2	x \$ 80.00 =	160.00	Multiple Dependent Claim(s), if any		\$270.00 =	0.00	TOTAL:			1,626.00	SMALL ENTITY DISCOUNT:			813.00	SUBTOTAL (1)		(\$)	813.00																																																
Large Entity Fee (\$)	Fee Description	Fee Paid																																																																																													
710	Utility filing fee	710.00																																																																																													
320	Design filing fee																																																																																														
150	Provisional filing fee																																																																																														
Number Filed	Number Extra	Rate	Amount																																																																																												
Total Claims 62	- 20 = 42	x \$ 18.00 =	756.00																																																																																												
Independent Claims 5	- 3 = 2	x \$ 80.00 =	160.00																																																																																												
Multiple Dependent Claim(s), if any		\$270.00 =	0.00																																																																																												
TOTAL:			1,626.00																																																																																												
SMALL ENTITY DISCOUNT:			813.00																																																																																												
SUBTOTAL (1)		(\$)	813.00																																																																																												
<b>2. AMENDMENT CLAIM FEES</b>				<b>2. AMENDMENT CLAIM FEES</b>																																																																																											
<table border="1"> <thead> <tr> <th>Claims Remaining After Amend.</th> <th>Highest No. Previously Paid For</th> <th>Present Extra</th> <th>Rate</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total -</td> <td>=</td> <td></td> <td>x \$ 18.00 =</td> <td></td> </tr> <tr> <td>Indep. -</td> <td>=</td> <td></td> <td>x \$ 80.00 =</td> <td></td> </tr> <tr> <td colspan="2">First Presentation of Multiple Dep. Claim</td> <td></td> <td>+ \$270.00 =</td> <td></td> </tr> <tr> <td colspan="2">TOTAL:</td> <td></td> <td>(\$)</td> <td></td> </tr> <tr> <td colspan="2">SMALL ENTITY DISCOUNT:</td> <td></td> <td>(\$)</td> <td></td> </tr> <tr> <td colspan="2">SUBTOTAL (2)</td> <td></td> <td>(\$)</td> <td>0.00</td> </tr> </tbody> </table>				Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid	Total -	=		x \$ 18.00 =		Indep. -	=		x \$ 80.00 =		First Presentation of Multiple Dep. Claim			+ \$270.00 =		TOTAL:			(\$)		SMALL ENTITY DISCOUNT:			(\$)		SUBTOTAL (2)			(\$)	0.00	<table border="1"> <thead> <tr> <th>Claims Remaining After Amend.</th> <th>Highest No. Previously Paid For</th> <th>Present Extra</th> <th>Rate</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total -</td> <td>=</td> <td></td> <td>x \$ 18.00 =</td> <td></td> </tr> <tr> <td>Indep. -</td> <td>=</td> <td></td> <td>x \$ 80.00 =</td> <td></td> </tr> <tr> <td colspan="2">First Presentation of Multiple Dep. Claim</td> <td></td> <td>+ \$270.00 =</td> <td></td> </tr> <tr> <td colspan="2">TOTAL:</td> <td></td> <td>(\$)</td> <td></td> </tr> <tr> <td colspan="2">SMALL ENTITY DISCOUNT:</td> <td></td> <td>(\$)</td> <td></td> </tr> <tr> <td colspan="2">SUBTOTAL (2)</td> <td></td> <td>(\$)</td> <td>0.00</td> </tr> </tbody> </table>				Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid	Total -	=		x \$ 18.00 =		Indep. -	=		x \$ 80.00 =		First Presentation of Multiple Dep. Claim			+ \$270.00 =		TOTAL:			(\$)		SMALL ENTITY DISCOUNT:			(\$)		SUBTOTAL (2)			(\$)	0.00																		
Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid																																																																																											
Total -	=		x \$ 18.00 =																																																																																												
Indep. -	=		x \$ 80.00 =																																																																																												
First Presentation of Multiple Dep. Claim			+ \$270.00 =																																																																																												
TOTAL:			(\$)																																																																																												
SMALL ENTITY DISCOUNT:			(\$)																																																																																												
SUBTOTAL (2)			(\$)	0.00																																																																																											
Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid																																																																																											
Total -	=		x \$ 18.00 =																																																																																												
Indep. -	=		x \$ 80.00 =																																																																																												
First Presentation of Multiple Dep. Claim			+ \$270.00 =																																																																																												
TOTAL:			(\$)																																																																																												
SMALL ENTITY DISCOUNT:			(\$)																																																																																												
SUBTOTAL (2)			(\$)	0.00																																																																																											
<b>CORRESPONDENCE ADDRESS</b>				<b>SIGNATURE BLOCK</b>																																																																																											
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100				Respectfully submitted,  Date: November 10, 2000 Reg. No.: 38,678 Tel. No.: (617) 248-7317 Fax No.: (617) 248-7100 Duncan A. Greenhalgh Attorney for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110																																																																																											

EXPRESS MAIL LABEL NO. EL302645280US

**STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c))— SMALL BUSINESS CONCERN**

Attorney Docket No. MTP-024

Applicant, Patentee, or Identifier: Watkins  
Application or Patent No.: Not yet assigned  
Filed or Issued: Herewith  
Title: MATERIALS AND METHODS FOR DETECTION OF BREAST CANCER

I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Matritech, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 330 Nevada Street, Newton, MA 02460.

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d) and 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

NAME OF PERSON SIGNING Ying-Jye Wu  
TITLE OF PERSON IF OTHER THAN OWNER Vice President of Research & Development

ADDRESS OF PERSON SIGNING 330 Nevada Street, Newton, MA 02460

SIGNATURE

DATE

November 10, 2002

1106307

## Inventor Information

Inventor One Given Name :: Brynmor  
Family Name :: Watkins  
Postal Address Line One :: 99 Summer Street  
City :: Waltham  
State/Province :: MA  
Country :: USA  
Postal or Zip Code :: 02452  
City of Residence :: Waltham  
State/Prov. of Residence :: MA  
Country of Residence :: USA  
Citizenship :: U.S.

## Correspondence Information

Correspondence Customer Number :: 021323

## Application Information

Title Line One :: Materials and Methods for Detection and Treatment of Breast Cancer  
Total Drawing Sheets :: 1  
Formal Drawings :: No  
Application Type :: Utility  
Docket Number :: MTP-024  
Licensed - U S Government Agency ::  
Contract Number ::  
Grant Number ::  
Secrecy Order in Parent Application ::

## Representative Information

Representative Customer Number :: 021323

## Continuity Information

This application is a :: Claims priority to  
>Application One :: 60/165,173  
Filing Date :: November 16, 1999  
which is a :: claims priority to  
>>Application Two :: 60/172,170  
Filing Date :: December 17, 1999  
which is a :: claims priority to  
>>>Application Three :: 60/178,860  
Filing Date :: January 27, 2000  
which is a :: claims priority to  
>>>>Application Four :: 60/201,721  
Filing Date :: May 3, 2000